

1 Troy King
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5 IN PRO PER

6 (5) FILED
7 SEP 16 2020
8 SUSAN Y. SOONG
9 CLERK, U.S. DISTRICT COURT
10 NORTH DISTRICT OF CALIFORNIA

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 CV20

14 6535

15 AGT

16 TROY KING

17 Plaintiff,
18 V.
19 City and County of Antioch; Antioch
20 Police Department; Does 1 to 50
21 inclusive

22 Defendants,

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20 COMPLAINT

21 1. Conversion
22 2. 42 U.S.C. § 1983 Due Process
23 3. 42 U.S.C. § 1983 Failure to
24 Intervene
25 4. 42 U.S.C. § 1983 Conspiracy to
26 Deprive Constitutional Rights

27 JURY TRIAL DEMANDED

28 COMPLAINT

29 Plaintiff, Troy King complain of Defendants, CITY AND COUNTY OF
30 ANTIOCH; ANTIOCH POLICE DEPARTMENT and DOES 1 TO 50 INCLUSIVE
31 (collectively, "individual Defendants") and state as follows:

32 **Facts**

33 1. Plaintiff Troy King is a residence of Antioch Ca. located in East
34 Contra Costa County: 2. Mr. King sub-let rooms at 4117 Galenez Way in
35 Antioch Ca. with his son, who at the time of incidents was twelve years old.
36 2. On or about March 25, 2019, Plaintiff called Antioch Police because the
37 "Master Tenant" Jernelda Brown's family member threatened Plaintiff with

violence to cause harm to him. Plaintiff called the Antioch Police, and uniformed Antioch Police Officer Kendall Price arrived. Officer Price spoke to Brown first and then spoke with Plaintiff. After Officer Price took the Plaintiff's report, he closed the case as a civil matter, when it was a Terrorist Threat.

3. Throughout the Plaintiff's residency at 4117 Galenez Way, Antioch Police were called often by Plaintiff, because Brown would violate her restraining order, make sustainable threats, lock the tenant out of the home, trespassing, break-ins, animal abuse, assault, and battery, all perpetrated by Brown and her associates. However, when Antioch Police arrived, they used intimidation tactics to violated Plaintiff's Civil Rights, they would disregard Plaintiff's complaints, failed to interview witnesses, wrote false assault citation, and threaten Plaintiff with false arrest if Plaintiff called the Antioch Police to the residence again.

Jurisdiction and Venue

4. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiffs' rights as secured by the United States Constitution.

5. This Court has jurisdiction of the action pursuant to 28 U.S.C. §§ 1331 and 1367.

6. Venue is proper under 28 U.S.C. § 1391(b). Plaintiffs reside in this judicial district, and the events giving rise to Plaintiffs' claims occurred within this district.

COUNT 1 -- State Law Claim

Conversion

7. Each Paragraph of this Complaint is incorporated herein.

8. As described more fully in the preceding paragraphs, individual Defendants unlawfully exercised dominion or control over Civil Rights

9. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

10. The misconduct described in this Count was undertaken by individual Defendants within the scope of their employment and under color of law such that their employer is liable for their actions.

11. As a result of individual Defendants' misconduct described in this Count, Plaintiffs have suffered the loss of their home and emotional distress.

Count 2 -- 42 U.S.C. § 1983

Due Process

12. The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states.

13. Each Paragraph of this Complaint is incorporated herein.

14. In the manner described more fully above, one or more individual Defendants deprived Plaintiff of his due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitution.

15. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of Plaintiff.

16. The misconduct described in this Count was undertaken by individual Defendants within the scope of their employment and under color of law such that their employer is liable for their actions.

17. As a result of the above-described wrongful infringement of his rights, Plaintiffs suffered damages, including but not limited to emotional distress.

1 Count 3 -- 42 U.S.C. § 1983
2 Failure to Intervene

3 18. Each Paragraph of this Complaint is incorporated herein.

4 19. As described more fully above, one or more of the Individual
5 Defendants had a reasonable opportunity to prevent the violation of
6 Plaintiffs' constitutional rights as set forth in the Complaint had they been so
7 inclined but failed to do so.

8 20. Individual Defendants' actions were undertaken intentionally, with
9 malice and reckless indifference to Plaintiffs' rights.

10 21. As a result of the individual Defendants' failure to intervene,
11 undertaken pursuant to the Equal Protection Clause and practice as
12 described above, Plaintiffs have suffered injury, including emotional distress.

13 Count 4 -- 42 U.S.C. § 1983
14 Conspiracy to Deprive Constitutional Rights

15 22. Each Paragraph of this Complaint is incorporated herein.

16 23. As described more fully above, the individual Defendants and other
17 unknown co-conspirators to deprive Plaintiffs of his constitutional rights.

18 24. Specifically, Defendants conspired by concerted action to
19 accomplish an unlawful purpose by an unlawful means. In furtherance of the
20 conspiracy, each of the co-conspirators committed overt acts and was an
21 otherwise willful participant in joint activity.

22 25. The conspiring Defendants' actions were undertaken intentionally,
23 with malice and reckless indifference to Plaintiffs' rights.

24 26. As a result of Defendants' conspiracy, Plaintiff has suffered injury,
25 including emotional distress.

1 Payer for Relief

2 WHEREFORE, Plaintiff respectfully request this Court to enter judgment
3 in his favor in all counts against Defendants: City of Antioch, Antioch Police
4 Department, and Does 1 to 50 inclusive, awarding \$10,000,000 in damages,
5 as well as any other relief this Court deems just and appropriate.

6 JURY DEMAND

7 Plaintiffs hereby demand a trial by jury pursuant to Federal Rule of
8 Civil Procedure 38(b) on all issues so triable.

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10 DATE: September 16, 2020

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